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# Questa-area mine likely to be named Superfund site

By BEN NEARY  
The New Mexican

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State and federal officials say they expect the U.S. Environmental Protection Agency to list the Molycorp molybdenum mine near Questa as a proposed Superfund site next month.

Negotiations between the New Mexico Environment Department and Molycorp that were intended to reach an agreement on how to clean up the mine without declaring it a Superfund site have broken down, officials said.

Molycorp, which has steadfastly denied that its mining operation contributes to the pollution of the Red River in Taos County, intends to fight any proposed Superfund designation in court, Mine Manager David Shoemaker said Wednesday.

Molycorp has mined molybdenum — an element used in steel manufacture — at the site for

decades. Some 300 million tons of waste rock are stored in piles at the site and some of the piles slope down toward the Red River.

If the mine site is ultimately declared a Superfund site, the EPA will oversee a cleanup and bill the responsible parties to recover costs. The process is likely to take years and some estimates of the cost exceed \$100 million.

Molycorp and the state environment department have been

Please see MINE, Page A-3

## MINE

Continued from Page A-1

involved in secret negotiations in recent months to try to come to terms over the cleanup without the Superfund designation. Those negotiations are now on the rocks.

William Turner, natural resources trustee for New Mexico, said Wednesday he believes Molycorp has been in a state of denial for the last 16 years about the effect of its mining on the environment. He said he's surprised Molycorp wouldn't jump at the chance to work out an agreement with the state to clean up the site and avoid the cumbersome, expensive Superfund process.

"It just boggles my mind that they wouldn't take this carrot that we've offered them," Turner said of Molycorp.

In October, Turner's office released a report that concluded that pollution from waste rock piles at the mine is polluting the Red River and ground water in the area with acidic drainage and some heavy metals.

Shoemaker said Wednesday that the company doesn't believe Superfund listing is justified. He declined to talk about any particular points of disagreement with state regulators in the negotiations to try to avoid Superfund listing.

The mine employs 150 people, Shoemaker said. He said he didn't know whether the mine would continue to operate if it's declared a Superfund site.

Molycorp has submitted detailed information about the mine site to various state agencies that Shoemaker said establishes to the company's satisfaction that it's not responsible for pollution in the area.

"We do have a very comprehensive package with the state with the Mining Act and the Water Quality Act that would address any issue that Superfund would address, so we really don't understand why this is going on," Shoemaker said. "That's basically our position."

Maura Hanning, program manager of the Superfund Oversight Section of the state environment department, said Wednesday she intends to meet with the mayors of the villages of Questa and Red River next week and try to secure their support for the Superfund designation. If the mayors don't support the designation, she said she will use the meetings to explain the designation process.

Hanning said her office is still talking to Molycorp. Yet she said the company has balked at the state's demand that the company commit to cleaning up the site. She said the company has always been willing to investigate the causes of pollution in the area.

"Their concern is that we're asking them to write a blank check," Hanning said of Molycorp.

While Hanning said the state will remain willing to talk to Molycorp about an cleanup agreement that could avert Superfund designation, she said, "we just haven't seen any activity that would lead us to believe that will happen."

Susan Webster, Superfund site assessment team leader with the EPA in Dallas, said Wednesday her office is still working on the Molycorp site but intends to submit its proposal to the EPA's national office in time for the proposed listing to be published in the Federal Register late next month.

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# of pages 2

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GROUND WATER BUREAU

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If the Molycorp site is placed on the list next month, Webster said the next step will be an investigation to determine the risks the site poses to human health and the environment. The investigation will also list alternatives for cleaning up the site.

The investigation process will include public hearings and opportunities for public comment, Webster said. It would probably take a couple of years to reach a formal decision about how to clean up the site and actual cleanup work would follow that.

Brian Shields, executive director of Amigos Bravos — a Taos County environmental group — said Wednesday his group fully supports Superfund designation for the mine site.

"We want cleanup and we want cleanup assurance," Shields said. "We want a mechanism that is really enforceable."

While many in Taos County fear the economic effect of declaring the mine a Superfund site, Shields said a Superfund cleanup would be a tremendous economic boon for area residents who now work in mining because much of the cleanup would involve earth-moving work.

Once the site is cleaned up, Shields said he expects that the entire area would benefit from increased tourism due to better fishing in the Red River and a cleaner environment.